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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			LIN, JASON K	
			ART UNIT	PAPER NUMBER
			2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,812

Applicant(s)

BAUMGARTNER ET AL.

Examiner

Jason K. Lin

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. **Claims 1, 3-8, 10, 12, 16, 21, 23-28, 30, 32, 36, 41, 43-48, 50, 52, 56, 61, 63-68, 70, 72, and 76** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457).

Consider **claim 1**, Boyle et al. clearly teaches a method for providing a user with program information using an interactive television application (Fig. 1B) implemented at least partially on user equipment (Fig. 2a and 2b contains DVR, STB, and display equipment), the method comprising:

displaying a list of program listings (Fig. 1B contains a program guide displaying programs as stated in paragraph 0014); and

allowing the user to scroll through the list backwards in time (The black arrows in Fig. 7A teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) such that the displayed list includes at least one previously recorded program available for viewing by the user (The program cell "Jack and June" is a recorded program indicated by 78 of Fig. 7A as stated in paragraph 0049).

Boyle et al. does not explicitly teach, at least one empty cell in the grid corresponding to an unrecorded program.

In the same field of endeavor, Numata et al. teaches EPG's. Numata et al. also teaches at least one empty cell in the grid (Paragraph 0087 in Numata et al. teaches a shaded region like that of 44 shown in Fig. 6) corresponding to an unrecorded program (Paragraph 0087 teaches that these shaded cells correspond to where "no scheduled" program cells are inserted. In paragraph 0083 the scheduled programs are "programs scheduled for viewing/recording". So the shaded cells {44 shown in Fig. 6}, empty and void of program information are unrecorded programs).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Boyle et al. to represent unrecorded programs with shaded regions as disclosed in Numata et

al. allowing the recorded programs to be seen much clearer removing unnecessary clutter from the EPG.

Consider **claim 21**, Boyle et al. clearly teaches User equipment for providing a user with program information using an interactive television application (Fig. 1B) implemented at least partially on user equipment (Fig. 2a and 2b contains DVR, STB, and display equipment), the user equipment comprising:

- a display (monitor 14);

- control circuitry (digital video recorder 12 and set top box 16) configured to:

- display a list of program listings (STB GUI 20, Fig. 1B contains a program guide displaying programs as stated in paragraph 0014) ; and

- allow the user to scroll through the list backwards in time (The black arrows in Fig. 7A teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) such that the displayed list includes at least one previously recorded program available for viewing by the user (The program cell "Jack and June" is a recorded program indicated by 78 of Fig. 7A as stated in paragraph 0049).

Boyle et al. does not explicitly teach, at least one empty cell in the grid corresponding to an unrecorded program.

See combination and motivation in **claim 1**.

Consider **claim 41**, Boyle et al. clearly teaches a system for providing a user with program information using an interactive television application (Fig. 1B) implemented at least partially on user equipment (Fig. 2a and 2b contains DVR, STB, and display equipment), the system comprising:

means for displaying a list of program listings (STB GUI 20 displayed on monitor 14, Fig. 1B contains a program guide displaying programs as stated in paragraph 0014); and

means for allowing the user to scroll through the list backwards in time (The black arrows in Fig. 7A teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time. Done through user input via the remote control 40) such that the displayed list includes at least one previously recorded program available for viewing by the user (The program cell "Jack and June" is a recorded program indicated by 78 of Fig. 7A as stated in paragraph 0049).

Boyle et al. does not explicitly teach, at least one empty cell in the grid corresponding to an unrecorded program.

See combination and motivation in **claim 1**.

Consider **claim 61**, Boyle et al. clearly teaches machine-readable media for use in an interactive television application (Fig. 1B) implemented at least partially on user equipment (Fig. 2a and 2b contains DVR, STB, and display equipment), in which the interactive television application provides a user with program information (EPG Data 38), wherein the media is encoded (encoded by encoder 21) with machine-readable instructions (Fig. 2C, paragraph 0035) for performing the method comprising:

displaying a list of program listings (Fig. 1B contains a program guide displaying programs as stated in paragraph 0014); and

allowing the user to scroll through the list backwards in time (The black arrows in Fig. 7A teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) such that the displayed list includes at least one previously recorded program available for viewing by the user (The program cell "Jack and June" is a recorded program indicated by 78 of Fig. 7A as stated in paragraph 0049).

Boyle et al. does not explicitly teach, at least one empty cell in the grid corresponding to an unrecorded program.

See combination and motivation in **claim 1**.

Consider **claims 3, 23, 43, and 63, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches at least one of the at least one previously recorded program is stored on a local personal video recorder (Paragraph 0028 teaches “a local memory for storing the recorded program (e.g., a digital video recorder (DVDR))”).

Consider **claims 4, 24, 44, and 64, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches at least one of the at least one previously recorded program is stored on a network-based video recorder (Paragraph 0027 teaches “at least one of the programs is not recorded locally.” The program is not stored locally on a device such as a DVR as taught in paragraph 0028 so it is stored non-locally, somewhere on a network device).

Consider **claims 5, 25, 45, and 65, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches allowing the user to select for viewing a previously recorded program listed in the list (Fig. 7A teaches that a previously recorded program represent by the visual indicator 78 can be selected, as shown by the darkened selection frame around the cell corresponding to the recorded program “Jack and June”. Paragraph 0035 also teaches “the user selected recorded program data for display on the monitor 14” showing that recorded programs listed can be selected for viewing).

Consider **claims 6, 26, 46, and 66, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein at least one program listed in the list is associated with a visual indicator (In Fig. 7A the program listed called

"GO Fast" contains a visual indicator 82), wherein the visual indicator indicates that the associated program is scheduled for recording (Paragraph 0049 teaches that the visual indicator 82 shows that "the program 'Go Fast' is scheduled for recording starting at 9:30 pm as indicated by the icon 82 comprising two empty circles").

Consider **claims 7, 27, 47, and 67, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein at least one program listed in the list is associated with a visual indicator (In Fig. 7A the program listed called "Jack and June" contains a visual indicator 78), wherein the visual indicator indicates that the associated program has been recorded (Paragraph 0049 teaches that the visual indicator 78 shows that "the program 'Jack and June' has been recorded as indicated by the icon 72 comprising two filled circles").

Consider **claims 8, 28, 48, and 68, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein at least one program listed in the list is associated with a visual indicator (In Fig. 7A the program listed called "Sports in Review" contains a visual indicator 80), wherein the visual indicator indicates that the associated program is currently being recorded (Paragraph 0049 teaches that the visual indicator 80 shows that "the program 'Sports in Review' is currently being recorded as indicated by the icon 80 comprising a filled circle and an empty circle.").

Consider **claims 10, 30, 50, and 70, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein the allowing the user to

scroll the grid backwards in time (The black arrows in Fig. 7B teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) comprises displaying a list of previously recorded programs (Paragraph 0048 teaches that “the program guide comprises recording indicators for identifying programs that have been recorded...” like that of the recorded program “Jack and June” from Fig. 7B).

Consider **claims 12, 32, 52, and 72, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein the allowing the user to scroll the list backwards in time (The black arrows in Fig. 7B teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) comprises displaying at least one category of previously recorded programs (Paragraph 0050 teaches “The ‘My Recordings’ option 88 displays a menu of recorded shows together with EPG data such as the actors, director, and brief synopsis of each program”).

Consider **claims 16, 36, 56, and 76, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches allowing the user to schedule for

recording at least one program listed in the list (Paragraph 0047 teaches “the user selects a program to record from the STB GUI”. After the selection as shown by 82 for the program “GO Fast”, “the STB GUI is updated to reflect the user’s selection to record the program”. As stated in paragraph 0049, the icon 82 indicates a program that is “schedule for recording”).

4. **Claims 2, 11, 22, 31, 42, 51, 62, and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Roth et al. (US 2003/0167471).

Consider **claims 2, 22, 42, and 62, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches wherein the displayed list includes at least one video-on-demand program that is available for viewing by the user.

In the same field of endeavor, Roth et al. teaches selectable VOD programs on EPG’s. Roth et al. also teaches wherein the displayed list includes at least one video-on-demand program that is available for viewing by the user (Paragraph 0023 teaches VOD product indicators such as movie images or text that can be displayed in 155 shown on Fig. 2. These VOD programs can be selected to be viewed as taught in paragraph 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to have VOD programs available for viewing as taught by Roth et al.

because it would allow consumers to sort and select VOD products for viewing (See Roth et al. paragraph 0004).

Consider **claims 11, 31, 51, and 72, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches wherein the list includes at least one video-on-demand program available for viewing.

In the same field of endeavor, Roth et al. teaches wherein the list includes at least one video-on-demand program available for viewing. (Paragraph 0023 teaches VOD product indicators such as movie images or text that can be displayed in 155 shown on Fig. 2. These VOD programs are available to be viewed as taught in paragraph 0026).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to have VOD programs available for viewing as taught by Roth et al. because it would allow consumers to sort and select VOD products for viewing (See Roth et al. paragraph 0004).

5. **Claims 9, 29, 49, and 69** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Arsenault et al. (US 6,701,528).

Consider **claims 9, 29, 49, and 69, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches wherein at least one program listed in the list is associated with a visual indicator, wherein

the visual indicator indicates that the associated program is a video-on-demand program.

In the same field of endeavor, Arsenault et al. teaches VOD service programming available on EPG's. Arsenault et al. also teaches wherein at least one program listed in the list is associated with a visual indicator, wherein the visual indicator indicates that the associated program is a video-on-demand program (col 9: lines 61-63 teaches a "VOD indicator or other appropriate flag in the program guide...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to have a visual indicator that indicates that the associated program is a vod program as taught by Arsenault et al. because it would provide the user with a quick visual regarding which programs are vod content on their programming guide allowing the user to quickly locate VOD content.

6. **Claims 13, 33, 53, and 73** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Javed (US 2002/0162112).

Consider **claims 13, 33, 53, and 73, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches wherein at least one program listed in the list is available for viewing for a limited time, the method further comprising allowing the user to extend the time of availability of said program.

In the same field of endeavor, Javed teaches set top boxes. Javed also teaches wherein at least one program listed in the list is available for viewing for a limited time (Paragraph 0054 teaches "the VPOP URL may subsequently used to validate whether the video is still within the rented duration,..." That means the video is only available for viewing for a set amount of time), the method further comprising allowing the user to extend the time of availability of said program (Paragraph 0054 and 0069 teach "if the video's rental duration has expired", the user is able to "extend the video's rental duration", thereby extending the time the video is available to be viewed).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to have a program available for viewing for a limited time, and allowing the user to extend the time of availability of the program as taught by Javed because it allows for content like new movie releases that in the past was rented in the video stores, to be viewed, rented, and renewed without having to walk outside the comforts of home.

7. **Claims 14, 34, 54, and 74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 14, 34, 54, and 74, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches allowing the user to set a reminder for at least one program listed in the list.

In the same field of endeavor, Proehl teaches EPG's. Proehl also teaches allowing the user to set a reminder for at least one program listed in the list (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to allow users to set a reminder for a program listed in the list as taught by Proehl et al. because of the numerous varieties of programming content it has become difficult to accurately to present and track content, therefore there is a need for a user-friendly system interface that accommodates all users by allowing for scheduled programming information to be presented in a format that is easy-to-read and understand (See Proehl et al. col 1: line 59 – col 2: line 1).

8. **Claims 15, 35, 55, and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), further in view of Proehl et al. (US 6,532,589), and further in view of Yoshinobu (US 5,734,444).

Consider **claims 15, 35, 55, and 75, as applied to claim 14 above**, Proehl et al. teaches a reminder was set (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-

43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Neither Boyle et al., Numata et al., or Proehl teaches determining if the user is watching the program.

recording automatically said program if the user is not watching said program.

In the same field of endeavor, Yoshinobu teaches a broadcast receiving apparatus (set top box). Yoshinobu also teaches determining if the user is watching the program.

recording automatically said program if the user is not watching said program (Yoshinobu teaches in col 24: lines 51-59 if it is determined that the program is not being watched by the viewer the program is automatically recorded).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to record the program when the user is not watching the program for which a reminder is set as taught by Yoshinobu because it will enable the user to watch his program without fail, although the user is not watching the program at present (See Yoshinobu col 2: 30-35)

9. **Claims 17, 19, 37, 39, 57, 59, 77, and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Ismail et al. (US 6,614,987).

Consider **claims 17, 37, 57, and 77, as applied to claims 1, 21, 41, and 61 respectively above**, neither Boyle et al. or Numata et al. teaches determining a personal profile based on gathered information relating to the user.

In the same field of endeavor, Ismail teaches a set top box. Ismail also teaches determining a personal profile based on gathered information relating to the user (col 4: lines 13-34 teaches a preference database 116 that contains user viewing data that is generated by the preference agent 110 depending on the amount of time the particular category is watched by the user. The preference database acts as the personal profile of the user while the preference agent is the one that gathers information relating to the viewing data of the user).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to determine a personal profile based on gathered information relating to the user as taught by Ismail because this would allow the device to better understand the viewing preference of the user.

Consider **claims 19, 39, 59, and 79, as applied to claims 17, 37, 57, and 77 respectively above**, neither Boyle et al. or Numata et al. teaches recording a program, wherein said program is selected based at least in part on the personal profile.

In the same field of endeavor, Ismail teaches a set top box. Ismail also teaches recording a program, wherein said program is selected based at least in part on the personal profile (col 4: lines 28-34 teaches recordation and storage of

programs according to information from the preference database 116 that functions as the personal profile).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to record a program where the selected program is at least in part on the personal profile as taught by Ismail because this relieves the user from the task of selecting programs to record from amount potentially hundreds of program selections (col 1: lines 48-50).

10. **Claims 18, 38, 58, and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), further in view of Ismail et al. (US 6,614,987), and further in view of Proehl et al. (US 6,532,589).

Consider **claims 18, 38, 58, and 78, as applied to claims 17, 37, 57, and 77 respectively above**, Ismail et al. teaches wherein said program is selected based at least in part on the personal profile (A personal profile is taught in col 4: lines 13-34 referred to as preference database. Col 4: lines 28-34 teaches that a program can be selected for storage based on data from the preference database).

Neither Boyle et al., Numata et al., or Ismail et al. teaches setting a reminder for a program (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the

same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

In the same field of endeavor, Proehl teaches EPG's. Proehl also teaches setting a reminder for a program (col 8: lines 59-60 teach that the "user may edit the future scheduled activities..." where the scheduled activities include remind, record, pay per view, etc as taught on col 8: lines 13-20. col 8: lines 41-43 shows that the same scheduled activities on daily planner is the same as the ones shown on the TV planner 900).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to set a reminder for a program that is selected based at least in part on the personal profile as taught by Proehl because the user can be notified of desirable program that can be watched, alleviating the user from the task of going through programs and manually setting reminders.

11. **Claims 20, 40, 60, and 80** are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (US 2005/0002649) in view of Numata et al. (US 2002/0038457), and further in view of Steading (US 2006/0117347).

Consider **claims 20, 40, 60, and 80, as applied to claims 1, 21, 41, and 61 respectively above**, Boyle et al. teaches wherein the allowing the user to scroll the list backwards in time (The black arrows in Fig. 7B teaches that the EPG listing can be scrolled horizontally, back and forth through time. The 8:30PM listing shows a recorded program that was in the past while the 9:00PM

listing shows a program that is currently being recorded in the present, which clearly shows the user is able to scroll the list backwards in time) comprises:

Neither Boyle et al. or Numata et al. teaches determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells.

In the same field of endeavor, Steading teaches EPG's. Steading also teaches determining whether at least one row of the grid consists of empty cells; and collapsing the grid to remove the at least one row of empty cells (Paragraph 0087 talks about not showing empty cells and it can clearly be seen as taught in Fig. 9 that rows that consist completely of empty cells are removed).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the modified apparatus of Boyle et al. to remove at least one row of the grid that consists of empty cells as taught by Steading, because this would remove unnecessary blank cells (visual clutter) on the programming guide.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reichardt et al. discloses selectable menu categories in US 2005/0172319. Minnick et al. discloses recording of programming episodes in US 2005/0055715. Terakado et al. discloses viewer preference and recording based on selected genre in US 2004/0158861. Wannamaker et al. discloses gathering subscriber interactions and statistics in US 2004/0031052. Schrader et al. discloses visual alerts

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pertaining to other programming in US 2002/0157099. Gordon et al. discloses scrolling backwards in time on the EPG US 7,100,184. Arai et al. discloses menu categories in US 7,032,176. Borden, IV et al. discloses allowing a viewer to select channels for tuning, recording, etc. in US 6,857,128. Entwistle discloses a visual indication system where programs with visual indicators are previously viewed programs in US 6,782,551. Arai et al. discloses reserving programs for later viewing in US 6,751,401. Finseth et al. discloses programming that might be desirable to the viewer in US 6,742,184. Young et al. discloses recording programs and providing visual indicators for recording conflicts in US 5,808,608. Wasilewski et al. discloses setting reminders for programs on this set top box or others as well in US 2006/0161956. Wada et al. discloses a list of recorded programs arranged according to their recording time in US 2006/0083484. Fritsch et al. discloses optional backup copy of the locally recorded scheduled programs is stored in a centrally located storage server farm in US 2005/0144640. Kimura et al. discloses content recommending means based on calculating user preference and performing content reservation according to degree of preference in US 2005/0120371. Ellis et al. discloses a secondary storage device US 2005/0028208. Rosetti et al. discloses visual indicator (*) for recorded programs in the past and unshaded cells are recordable in US 2005/0022242. Green et al. discloses a visual indicator (black circle) and also displays time recording conflicts of programs in US 2004/0218905. Lin et al. discloses a video server that records broadcasted programs and after receiving user instructions can send stored video programs to a computer at client end in US 2004/0143845. Chapuis et al. discloses visual indicators for a "Store" icon, a "Current Event" icon, a "Record"

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icon, a "Turn-on" icon, a "Topic" icon, a "Pay Event" icon and a "Purchased Event" icon in US 6,023,267. Shaughnessy et al. discloses collapsing a component's row when it is empty so that it occupies no space in US 2004/0205644. Lawler et al. discloses a reminder and record system in US 5,805,763. White et al. discloses recording a program automatically if it is not viewed by the user when broadcast US 2001/0027563. Rodriguez et al. discloses a reminder system in US 2002/0049804.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Lin whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

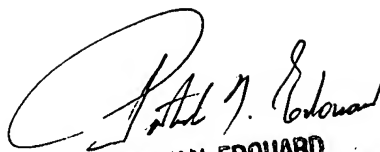
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10/30/2006



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